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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,888	09/09/2003	Alan Earl Swahn	0377-02328	2635

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MICHAEL J. CHERSKOV  
300 NORTH STATE STREET  
SUITE 5102  
CHICAGO, IL 60654

EXAMINER
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WHIPPLE, BRIAN P

ART UNIT	PAPER NUMBER
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2452

NOTIFICATION DATE	DELIVERY MODE
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04/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/657,888	<b>Applicant(s)</b> SWAHN, ALAN EARL	
	<b>Examiner</b> BRIAN P. WHIPPLE	<b>Art Unit</b> 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-10,16,17,19,21-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10,16,17,19,21-31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-2, 6-10, 16-17, 19, 21-31, and 33 are pending in this application and presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 6-10, 16-17, 19, 21-31, and 33 have been considered, but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Rodefer et al. (Rodefer), U.S. Publication No. 2003/0120779 A1.

5. As to claim 9, Rodefer discloses a method of displaying webpages in a single web browser instance on a user's computer ([0040]), including:

simultaneously displaying at least a first and a second fully functional webpage in said web browser instance such that said at least first and second fully functional webpages are

simultaneously visible to the user and may be operated on by the user, and wherein any of said at least first and second fully functional webpages may be operated on independently without altering the state of another said at least first and second fully functional webpages ([0040]).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 6, 10, 16, 19, 22-24, 26, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (Bates), U.S. Patent No. 6,990,494 B2, in view of Smith et al. (Smith), U.S. 6,742,033 B1, and further in view of Rodefer.

8. As to claim 1, Bates discloses a method for retrieving and viewing webpages in a single web browser instance operating on a user's computer (Col. 3, ln. 36-42; Col. 4, ln. 1-4), comprising the sequential steps of:

submitting, from said web browser, a search request to an Internet search engine located on the Internet (Fig. 1, items 170 and 180; Col. 3, ln. 11-16 and 36-42);

receiving a hyperlink list from said search engine (Col. 3, ln. 39-42), said hyperlink list having been automatically rank-ordered by said search engine (Col. 1, ln. 26-36), to form a queue of rank-ordered hyperlinks (Col. 1, ln. 26-36).

Bates is silent on automatically loading a plurality of webpages referred to by said queue of rank-ordered hyperlinks to form a rank-ordered queue of webpages stored on the user's computer; and

viewing said webpages in the single web browser instance.

However, Smith discloses automatically loading a plurality of webpages referred to by said queue of rank-ordered hyperlinks to form a rank-ordered queue of webpages stored on the user's computer (Abstract, ln. 1-6; Col. 2, ln. 36-40; Col. 3, ln. 5-8; Col. 4, ln. 62 – Col. 5, ln. 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bates in the aforementioned manner as taught by Smith in order to automatically pre-cache websites during off-peak hours that may then be accessed by a user in the future at a faster speed (Smith: Col. 1, ln. 55-61; Col. 1, ln. 65 – Col. 2, ln. 1).

Bates and Smith are silent on viewing said webpages in a single web browser instance.

However, Rodefer discloses viewing said webpages in a single web browser instance ([0040], ln. 10-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bates and Smith in the aforementioned manner as taught by Rodefer in order to provide “quick access, viewing, and comparison of said sites/pages” returned by a search engine (Rodefer: [0040]).

9. As to claim 2, Bates, Smith, and Rodefer disclose the invention substantially as in parent claim 1, where said loading is accomplished by preloading a selectable number of webpages

Art Unit: 2452

pointed to by a selectable number of hyperlinks in the queue of hyperlinks (Bates: Col. 3, ln. 44-47; Smith: Col. 2, ln. 36-40; Rodefer: [0040]).

10. As to claims 6, 16, 23-24, and 26, the claims are rejected for reasons similar to claim 2 above.

11. As to claim 10, the claim is rejected for reasons similar to claim 1 above.

12. As to claim 19, the claim is rejected for reasons similar to claim 1 above.

It may be interpreted that the user may close the browser (as all browsers include an option to close the program) or close individual frames (such as those displayed in Rodefer).

13. As to claim 22, the claim is rejected for reasons similar to claims 1 and 9 above.

14. As to claim 29, the claim is rejected for reasons similar to claim 19 above.

15. As to claim 30, the claim is rejected for reasons similar to claims 1 and 9 above.

Additionally, Rodefer discloses simultaneously submitting, from said web browser, a search request to multiple Internet search engines located on the Internet ([0037]).

16. As to claim 31, the claim is rejected for reasons similar to claim 9 above.

17. Claims 7, 17, 21, 25, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Smith, and Rodefer as applied to claims 1, 10, 22, and 30 above, and further in view of Berstis, U.S. Patent No. 6,182,122 B1.

18. As to claim 7, Bates, Smith, and Rodefer disclose the invention substantially as in parent claim 1, but are silent on said loading is accomplished by determining the available network download bandwidth and preloading a number of webpages based on such available network download bandwidth.

However, Berstis discloses loading is accomplished by determining the available network download bandwidth and preloading a number of webpages based on such available network download bandwidth (Col. 10, ln. 18-47; Col. 11, ln. 16-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bates, Smith, and Rodefer in the aforementioned manner as taught by Berstis in order “to minimize transfer time both from the source and to individual users, and to require minimal resources at the server” (Berstis: Col. 2, ln. 52-54).

19. As to claim 21, Bates, Smith, and Rodefer disclose the invention substantially as in parent claim 1, but are silent on selectively saving the queue of hyperlinks or a portion thereof as a group bookmark hyperlink list that may be loaded in a web browser at a later time.

However, Berstis discloses selectively saving a queue of hyperlinks or a portion thereof as a group bookmark hyperlink list that may be loaded in a web browser at a later time (Col. 7, ln. 8-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bates, Smith, and Rodefer in the aforementioned manner as taught by Berstis in order to bookmark frequently visited webpages, thus increasing ease of use by eliminating the need to remember and enter a web address repeatedly.

20. As to claims 17, 25, and 33, the claims are rejected for reasons similar to claim 21 above.

21. As to claim 27, the claim is rejected for reasons similar to claim 7 above.

22. Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates, Smith, and Rodefer as applied to claims 1 and 22 above, in view of Berstis, and further in view of Martin et al. (Martin), U.S. Patent No. 5,867,706.

23. As to claim 8, Bates, Smith, and Rodefer disclose the invention substantially as in parent claim 1, but are silent on said loading is accomplished by determining that the computer isn't saturated and preloading a predetermined number of webpages based on such non-saturation state.

However, Berstis discloses loading is accomplished by determining that the computer isn't saturated and preloading a predetermined number of webpages based on such non-saturation state (Col. 10, ln. 18-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bates, Smith, and Rodefer in the aforementioned manner as taught by



Art Unit: 2452

Berstis in order “to minimize transfer time both from the source and to individual users, and to require minimal resources at the server” (Berstis: Col. 2, ln. 52-54).

Bates, Smith, Rodefer, and Berstis are silent on determining if the computer processor(s) specifically are saturated.

However, Martin discloses determining if the computer processor(s) specifically are saturated (Col. 8, ln. 41-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bates, Smith, Rodefer, and Berstis by determining if computer processors are saturated as taught by Martin in order to avoid unacceptable response times (Martin: Col. 8, ln. 41-53).

24. As to claim 28, the claim is rejected for reasons similar to claim 8 above.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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